

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 13, 2009
POSITION: Neutral, note concerns

BILL NUMBER: SB 748
AUTHOR: M. Leno

BILL SUMMARY: Witness Relocation and Assistance Program: Records

This bill would prohibit a person, state or local public agency, or private entity from posting on the Internet the home address or telephone number of any witness or witness family member participating in the Witness Relocation and Assistance Program (WRAP). This bill would create a new crime.

The bill also would require that, within 48 hours of receiving a WRAP participant's form opting out of Internet search sites, a business, state or local entity, private entity, or person must remove the participant's personal information from display on that particular Internet site.

FISCAL SUMMARY

Finance notes that providing for a 48 hour window to remove a WRAP participant's information could result in additional costs for state and local agencies. If a request is delivered before a weekend or holiday, state or local agency staff would need to work overtime to ensure that the address information is removed, or the agency would face a fine of \$5,000. Both overtime and the fine would impose additional costs. It is further noted that this timeframe would present an additional problem for state agencies given the implementation of statewide furlough days. If there are just 10 instances per year of receiving a form before a long weekend, there would be fines of \$50,000. Finance understands that this issue might be addressed in an amendment clarifying that action would be required within two business days.

The Department of Justice reports no fiscal impact as a result of this bill.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

Finance is generally neutral, but concerned about the requirement that an opt-out form from a WRAP participant be acted upon within 48 hours. Our understanding is that this provision may be clarified to state that the timeline is two business days. Such a clarification would mitigate the potential costs.

This bill would prohibit a person, state or local public agency, or private entity from posting the home address or telephone number of any witness or witness family member participating in the WRAP. By doing so, this bill would create a new crime. Specifically, the bill would provide criminal penalties for violations of the bill's provisions. Additionally, it would authorize program participants to submit opt-out forms to Internet search engine providers to prevent inclusion of their addresses and telephone number in search databases.

The bill also would require that, within 48 hours of receiving a WRAP participant's form opting out of Internet search sites, a business, state or local entity, private entity, or person must remove the participant's personal information from display on that particular Internet site.

Analyst/Principal (0211) J. Osborn	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

M. Leno

July 13, 2009

SB 748

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Code
0820/Justice	SO	No	-----	No/Minor Fiscal Impact -----				0001	
8885/Comm St Mndt	LA	No	-----	No/Minor Fiscal Impact -----				0001	
9990/Var Depts	SO	No	-----	See Fiscal Summary -----				0001	